

Chapter 5.20

DANCES

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5.20.010 Definitions.

As used in this chapter, **public dance** shall include any dance given, held, or conducted in any place in the City to which the general public may gain admission with or without the payment of a fee, contribution, or collection, or any dance which is conducted in the normal course of business of the premises of a restaurant, tavern, or private club, but shall not include any dance conducted on or in any public park, street, or public grounds with the permission of the City, or any dance, masquerade, or ball to which admission is limited strictly to persons expressly invited by the person, organization, or society giving or holding the dance, masquerade, or ball and which dance, masquerade, or ball is not given or conducted designedly for profit or gain to the person, organization, or society giving or conducting the same.

Teenage public dances shall mean a public dance where admission is restricted to persons fourteen years of age and over and who have not reached their nineteenth birthday.

Minor shall include every person under the age of nineteen years.

Dance hall shall mean every hall, pavilion, room, space, or place used for dancing or in which a public dance or teenage public dance is conducted, maintained or operated. It shall include all dressing rooms, toilet rooms, check rooms, stairways, entrances, and exits connected therewith. (Ord. 15462 §1; March 5, 1990).

5.20.020 Permit Required.

It shall be unlawful for any person to give, hold, or conduct a public dance or a teenage public dance, or permit the giving holding or conducting of a public dance or a teenage public dance on premises owned by such person without a permit first having been issued for such public dance or teenage public dance as herein provided.

It shall be unlawful for the owner, lessee, or agent of the owner or lessee of any building or premises within the City to permit a public dance or teenage public dance to be conducted in such building or premises unless the person conducting such public dance or teenage public dance shall have first obtained a permit so to do as provided in this chapter. (Ord. 15462 §2; March 5, 1990).

5.20.030 Application for Permit; Information Required; Issuance.

Every person desiring to conduct a public dance or a teenage public dance shall file with the City Clerk, a written application, together with the required permit fee. The application shall be made on a form provided by the City Clerk, which application shall have the name of the applicant, the name of all persons employed by the applicant in conducting such public dance or teenage public dance; the location of the dance hall in which such public dance or teenage public dance is to be conducted; and the name and address of the owner or owners thereof, together with a plan of such dance hall, giving in detail the dimensions and diagram of the space to be used for dancing, the dressing rooms, check rooms, toilet rooms, entrances, exits, stairways, elevators, fire escapes, and shall designate upon what floor of the building the dance hall and all rooms used by persons attending the dance are located, the construction of the building, and any other information necessary to give a complete description of the premises and operation. The City Clerk shall refer such application to the following departments of the City for investigation:

- (a) The Department of Building and Safety for investigation to determine if the premises and operation comply with all applicable zoning, building, and fire ordinances of the City, and to determine the fitness of the proposed dancehall and its location, or the building in which it is contained;
- (b) The Health Department for investigation to determine if the premises and operation comply with all applicable health ordinances of the City; and
- (c) The Police Department for investigation to determine if the premises and operation comply with the remaining requirements of this ordinance.

All said departments shall make a report to the City Clerk of their investigations in writing, which report shall contain a statement as to whether the premises and operation of the applicant does or does not comply with the ordinance requirements checked by the department making the report. If the application meets all applicable ordinance requirements and is approved by all of the above-referenced departments, the City Clerk shall issue a permit to the applicant. The permit will set forth the activities for which the premises have been approved and the maximum number of persons permitted on the premises at any one time. If such application is denied, the applicant may appeal such denial to the City Council by filing a written request to appeal such denial with the City Clerk within ten days after such denial.

The permit issued hereunder shall be either an annual permit, or an occasional permit for one or more dances on specifically designated dates and times. The permit shall apply only to the premises and activities described in the application, and only one location shall be so described in each permit. A new application must be submitted if any change is made from the application as previously submitted and approved. Every permittee shall cause the permit to be framed and hung in plain view in a conspicuous

place in the permittee's premises. (Ord. 16529 §1; December 6, 1993: prior Ord. 15462 §3; March 5, 1990).

5.20.040 Teenage Public Dance; Permit.

The City Clerk may issue a teenage public dance permit to any applicant therefor who complies with all the requirements relating to public dances provided that the applicant shall also meet the following additional requirements:

(a) Admit only persons fourteen years of age and over and who have not reached their nineteenth birthday, except for the adult supervision approved by the City; and the operator shall be responsible for excluding the general public.

(b) Provide proper and adequate adult supervision for the teenage public dance and have such adult sponsors approved by the City prior to the issuance of the permit.

(c) The proposed teenage public dance shall not be conducted on premises licensed for the sale of alcoholic liquors for consumption on the premises unless:

(1) such teenage public dance is conducted at a time when the licensee is exercising no privileges under such license; or

(2) the dance is conducted in a portion of the licensed premises in which alcoholic liquors are not being dispensed and which is physically separated by floor-to-ceiling partition walls and distinct from the remainder of the licensed premises (including restrooms, entrances, and exits serving the remainder of the licensed premises).

When a teenage public dance is conducted on licensed premises, under (1) or (2) above, the age and hours restrictions set forth in Section 5.04.120 of this code shall not apply. (Ord. 16529 §2; December 6, 1993: prior Ord. 15462 §4; March 5, 1990).

5.20.050 Permit Fee; Refund Upon Denial of Application.

Every person conducting a public dance or teenage public dance shall pay to the City Treasurer a permit fee in the sum of fifty dollars for an annual permit; or ten dollars for each dance occasion requested in an application for an occasional permit. All permit fees herein provided shall be paid to the City Clerk at the time of making the application for the permit; provided, that if the application for a permit is denied by the City, the City Clerk shall refund the applicant the permit fee so paid. (Ord. 15462 §5; March 5, 1990).

5.20.060 Permit; Issuance; Grounds.

No permit shall be issued to any applicant unless the building and the dance hall comply in all respects with the provisions of this chapter, the ordinances of the City, all health and fire regulations of the City, and laws of the State of Nebraska, and is properly ventilated and supplied with proper and sufficient toilet conveniences. (Ord. 16529 §3; December 6, 1993: prior Ord. 15462 §6; March 5, 1990).

5.20.070 Lighting and Sanitation.

Every dance hall while in use shall be well lighted and shall be kept at all times in a clean, healthful, and sanitary condition, and all rooms connected therewith shall be kept open and well lighted. (Ord. 15462 §7; March 5, 1990).

5.20.080 Permit Expiration.

Annual permits granted under the provisions of this chapter shall expire on the thirty-first day of May following the date of their issuance, unless revoked prior thereto as provided in this chapter. Occasional permits shall expire after the date of the last dance authorized thereunder. (Ord. 15462 §8; March 5, 1990).

5.20.090 Permit; Revocation; Grounds.

The City Council may, after public hearing of which the permittee shall be notified, revoke any permit whenever the permittee, or any person employed by the permittee, fails to meet the requirements of this chapter to conduct a public dance or teenage public dance or violates any provisions of this chapter. (Ord. 16529 §4; December 6, 1993; prior Ord. 15462 §9; March 5, 1990).

5.20.100 Minors Prohibited Unless Accompanied by Parent or Legal Guardian; Exceptions.

It shall be unlawful for any minor to participate in any public dance, or to enter, frequent, or remain in any dance hall, unless accompanied by a parent or the legal guardian of such minor, and it shall be unlawful for any person conducting any public dance to permit any minor to participate in any public dance or to enter, frequent, or remain in any dance hall, unless accompanied by a parent or the legal guardian of such minor.

The above restriction shall not apply:

- (a) to minors fourteen years of age and over attending or participating in a teenage public dance; or
- (b) to minors eighteen years of age and over attending or participating in a public dance on premises where alcoholic liquors are not being sold, dispensed, or consumed. (Ord. 16534 §1; January 10, 1994; prior Ord. 15462 §10; March 5, 1990).

5.20.110 Minors; Misrepresentation of Age.

It shall be unlawful for any minor to falsely represent his or her age for the purpose of participating in any public dance or to secure admission to any dance hall. (Ord. 15462 §11; March 5, 1990).

5.20.120 Alcoholic Liquor; Sale and Use Prohibited; Penalty for Violation.

Except for those premises licensed under the Nebraska Liquor Control Act, it shall be unlawful to sell or dispense, at any public dance or teenage public dance, any alcoholic liquors as defined in Section 5.04.020 of this code, and a violation of the provisions of this section shall constitute grounds for revocation of the permit for such dance. It shall further be unlawful for any person conducting any public dance or teenage public dance to permit any intoxicated person, or a person under the influence of any alcoholic liquor, to participate in any dance, or to enter, frequent, or remain in any dance hall. (Ord. 15462 §12; March 5, 1990).

5.20.130 Closing Hours.

It shall be unlawful for any person to conduct a public dance or to keep open for the purpose of dancing at a public dance or to permit any person to remain in any dance hall for the purpose of dancing at a public dance between the hours of 1:00 a.m. and 8:00 a.m. of any day.

It shall be unlawful for any person to conduct a teenage public dance, or to permit any person to remain at any teenage public dance between the hours of 12:00 midnight and 8:00 a.m. of the next day; and it shall be unlawful for any person to participate in a teenage public dance between the hours of 12:00 midnight and 8:00 a.m. of the next day; provided that the City may, upon written application therefor, grant an exception on special occasions when a teenage public dance may be conducted from 12:00 midnight until 1:00 a.m. of the following day. (Ord. 15462 §13; March 5, 1990).

5.20.140 Location of Dance; Designated in Permit.

It shall be unlawful for any permittee to conduct a public dance or teenage public dance in any hall, pavilion, room, or place other than the dance hall specified in the permit issued to such permittee pursuant to the provisions of this chapter. (Ord. 15462 §14; March 5, 1990).

5.20.150 Permittee; Responsibilities.

Every permittee is hereby charged with knowledge and notice of all the provisions of this chapter and shall be charged with notice of, and be responsible for, the conduct of all persons entering, frequenting, or remaining in the dance hall under his or her control as permittee. (Ord. 15462 §15; March 5, 1990).

5.20.160 Entry for Inspection by City Officer.

Any City officer or inspector shall be permitted to enter any dance hall for the purpose of inspecting such dance hall or any dance conducted therein. (Ord. 15462 §16; March 5, 1990).

5.20.170 Dances Conducted by School Authorities.

The provisions of this chapter shall not apply to any dance conducted under the supervision and direction of the Board of Regents of the University of Nebraska on the university campus, the Board of Education of School District No. 1 within its school buildings, or the City of Lincoln. (Ord. 15462 §17; March 5, 1990).